

# BERNSTEIN CLARKE & MOSKOVITZ

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September 14, 2018

**BY ECF**

Magistrate Judge Vera M. Scanlon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, New York 11201

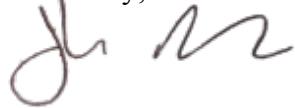
Re: *Hines et al. v. City of New York et al.*, No. 18-cv-4678 (JBW) (VMS)

Your Honor,

I write as Plaintiffs' counsel to request an extension of time to serve and file proof of service of the Court's September 10, 2018 Order rescheduling the initial conference to October 3, 2018. That Order instructed Plaintiffs' counsel "to serve a copy of this Order and file proof of service by 9/14/2018." Earlier today, I had a telephone conversation today with Susan Scharfstein, counsel for defendant City of New York, who confirmed that she would accept service of the Court's September 10 Order by email, which I sent to her on September 12, 2018. Subsequently, Ms. Scharfstein filed a letter motion with the Court (ECF Doc. 12) indicating that she was aware of the October 3 conference and requesting an adjournment of that date. As for the other defendants, our process servers told my office yesterday that the order would be served today.<sup>1</sup> However, this afternoon, I inquired whether service was completed but I did not receive confirmation from our process servers. Therefore, I am unable to fulfill the Court's Order to file proof of service today and request an extension until September 21 to do so.

I appreciate the Court's attention to this request.

Sincerely,



Joshua S. Moskovitz

cc: Susan Scharfstein (by ECF)

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<sup>1</sup> On September 7, 2018, I filed a letter motion (ECF Doc. 10) indicating that process would be served on the individual defendants by September 12, 2018. Defendant Greico was served on September 11, 2018 (see ECF Doc. 11). However, on September 11, our process server attempted unsuccessfully to serve defendant Cybulski at his current NYPD command, Patrol Borough Manhattan South ("PBMS"), located at 230 East 21st Street. When our process server went to that location, a Police Officer Vega told him that Officer Cybulski did not work there. On September 12, we contacted the NYPD "Wheel" and were told again that Officer Cybulski's current command is PBMS. Accordingly, I instructed our process server to return to the 21st Street offices of PBMS and again attempt to serve Officer Cybulski. I am uncertain whether process was successfully served today.